

Message Text

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ACTION IO-10

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P R 072320Z MAY 75

FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC PRIORITY 228

INFO AMEMBASSY SANTIAGO

AMEMBASSY MONTEVIDEO

AMEMBASSY BRASILIA

USMISSION GENEVA

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E.O. 11652: N/A

TAGS: EGEN, ECOSOC, UN, CH

SUBJ: 58TH ECOSOC: ELECTIONS - CHILE

REF: USUN 1528 (NOTAL)

1. IN RESUMING ELECTION FOR LA VACANCY ON HUMAN RIGHTS COMMISSION ON MAY 7, PRESIDENT AKHUND ANNOUNCED THAT HE HAD RECEIVED OFFICIAL LETTER FROM URUGUAY PERM REP STATING THAT URUGUAY DID NOT WISH TO BE CANDIDATE. HE STATED THAT NEVERTHELESS IN ACCORDANCE WITH ECOSOC RULE 69, THE TWO CANDIDATES UP FOR ELECTION WERE URUGUAY AND CHILE. (URUGUAY HAD WITHDRAWN ITS CANDIDACY PRIOR TO VOTING ON MAY 6 BUT NEVERTHELESS HAD RECEIVED 14 VOTES. CHILE RECEIVED 23 VOTES BUT FELL SHORT OF MAJORITY REQUIRED.)

2. BRAZIL REP THEN TOOK FLOOR TO SAY THAT HE HAD BEEN ASKED BY URUGUAY PERM REP TO STATE AGAIN THAT THEY DID NOT WISH TO RUN, THAT THEY WERE HARD PUT TO EXPLAIN TO GOU VOTES RECEIVED IN MAY 6 BALLOTING, AND THAT ANY VOTE NOW CAST FOR THEM WOULD BE EMBARRASSING.

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3. RESULTS OF BALLOTING: URUGUAY 24, CHILE 21. PRESIDENT THEN ANNOUNCED URUGUAY ELECTED.

4. BRAZIL REP TOOK FLOOR TO STATE HE DEEPLY REGRETTED ACTION TAKEN WHICH CONTRARY TO THE EXPRESS WISHES NOT ONLY OF URUGUAY BUT ALSO OF LA GROUP. HE SAID THAT TRADITION OF RESPECTING WISHES OF GEOGRAPHIC GROUPS DESIGNED TO PROTECT ALL AND THAT ABANDONING THIS PRACTICE WOULD HAVE WIDE IMPACT BEYOND LA'S.

5. US REP (KITCHEN) THEN INQUIRED OF PRESIDENT HOW A COUNTRY COULD BE CONSIDERED CANDIDATE AGAINST ITS EXPRESSED WISHES. PRESIDENT RESPONDED THAT HIS PROCEDURAL DECISION STRICTLY IN CONFORMITY WITH RULES. BRAZILIAN REP INTERVENED WITH "THE RULES ARE AN ASS". KITCHEN REPEATED QUESTION EMPHASIZING THAT OUR CONCERN WAS HOW USG OR ANY GOVERNMENT COULD PREVENT BEING PUT FORWARD AS CANDIDATE. SECT LEGAL COUNSEL (SZASZ) REPLIED THAT RULES MUTE ON QUESTION OF CANDIDACY AND THUS STATEMENT BY DELEGATION EITHER OFFERING OR WITHDRAWING ITS CANDIDACY HAS NO STATUS IN ELECTION PROCEEDINGS.

6. KITCHEN STATED THAT US DEL CONSIDERED THIS EXPLANATION TO BE JURIDICALLY INACCURATE AND A FLAGRANT VIOLATION OF SOVEREIGNTY OF MEMBER STATES. HE CONCLUDED THAT WE MIGHT WISH TO RAISE ISSUE AS PART OF RULES OF PROCEDURE SCHEDULED FOR DISCUSSION ON MAY 8.

7. AMB FERGUSON AND CONSELLOR REIS WILL CALL ON LEGAL COUNSELOR MAY 8 TO PROTEST LEGAL COUNSEL'S OPINION AND DISCUSS THE SITUATION DESCRIBED ABOVE. THE AMBASSADOR WILL ALSO MAKE A DEMARCHE ON ECOSOC SECRETARIAT TO CONVEY OUR VIEW THAT THE LEGAL OPINION DELIVERED TO THE COUNCIL AT US DELEGATION'S REQUEST WAS HIGHLY IRREGULAR AND ILLEGAL. SINCE COUNCIL WILL BE CONSIDERING NEW RULES OF PROCEDURE MAY 8, MISSION PROPOSES TO EVALUATE THOSE RULES IN LIGHT OF THESE DEVELOPMENTS AND POSSIBLY PROPOSE A NEW RULE OR AMENDMENT.
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